

REMARKS

Claims 1-10 were examined and reported in the Office Action. Claims 1-10 are rejected. Claims 1-10 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. § 103

It is asserted in the Office Action that claims 1-10 are rejected under 35 U.S.C. § 103(a), as being unpatentable over U. S. Patent No. 5,875,422 issued to Eslambolchi et al. ("Eslambolchi") in view of U. S. Patent No. 6,594,347 issued to Calder et al ("Calder"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142

[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Further, according to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974))." *"All words in a claim must be considered in judging the patentability of that claim against the prior art."* (In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

According to MPEP 2142,

[t]o reach a proper determination under 35 U.S.C. 103, the examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made. In view of all factual information, the examiner must then make a determination whether the claimed invention 'as a whole' would have been obvious at that time to that person. Knowledge of applicant's disclosure must be put aside in reaching this determination, yet kept in mind in order to determine the 'differences,' conduct the search and evaluate the 'subject matter as a whole' of the invention. The tendency to resort to 'hindsight' based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.

Applicant's amended claim 1 contains the limitations of

[a] telephony user interface system performing interface between a wired and wireless telephony network and automatic speech translation service systems, comprising: a wired and wireless telephony network interface for processing call-related signals received from the wired and wireless telephony network; a user interface for performing a predetermined control procedure in order to obtain first information required for an automatic speech translation service in the automatic speech translation service systems and second information required for telephone connection with a counterpart of a user, ..., wherein the telephony user interface system identifies a language spoken by the user who initiated the telephone connection through the wired and wireless telephony network.

Applicant's amended claim 7 contains the limitations of

[a] control method of a telephony user interface system performing interface between a wired and wireless telephony network and automatic speech translation service systems, comprising: (a) searching for an available communication channel in a case in which a user requests a telephone connection, and receiving a language kind and a telephone number of a counterpart of the user; (b) making a call to the counterpart on the basis of the telephone number in (a) and attempting a telephone connection to the

counterpart; (c) transferring a guiding message to the user and the counterpart on how to use an automatic speech translation service; (d) receiving vocal data of the user and the counterpart (e) identifying a language spoken by the user who initiated the telephone connection through the wired and wireless telephony network; (f) transmitting the received vocal data to the appropriate automatic speech translation system so that speech translation can be performed; and (g) reproducing and outputting composite vocal data obtained through the speech translation to the user and the counterpart.

Eslambolchi discloses a technique in a telecommunications network for automatically translating the information transmitted by a calling party and a called party. In Eslambolchi, the system prompts the users for a language option. Also disclosed in Eslambolchi, the system may prompt the users in the language predominantly spoken in the area. Eslambolchi, however, does not teach, disclose or suggest Applicant's claimed limitations of "the telephony user interface system identifies a language spoken by the user who initiated the telephone connection through the wired and wireless telephony network" or "identifying a language spoken by the user who initiated the telephone connection through the wired and wireless telephony network."

Calder discloses speech encoding in a client server interactive voice response system, especially in hand-held devices. Calder, however, does not teach, disclose or suggest Applicant's claimed limitations of "the telephony user interface system identifies a language spoken by the user who initiated the telephone connection through the wired and wireless telephony network" or "identifying a language spoken by the user who initiated the telephone connection through the wired and wireless telephony network."

Neither Eslambolchi, Calder, and therefore, nor the combination of the two, teach, disclose or suggest the limitations contained in Applicant's amended claims 1 and 7, as listed above. Since neither Eslambolchi, Calder, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's amended claims 1 and 7, as listed above, Applicant's amended claims 1 and 7 are not obvious over Eslambolchi in view of Calder since a *prima facie* case of obviousness has not been met under MPEP

§2142. Additionally, the claims that directly or indirectly depend from amended claims 1 and 7, namely claims 2-6, and 8-10, respectively, would also not be obvious over Eslambolchi in view of Calder for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 1-10 are respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-10 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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Dated: December 20, 2005

By: _____

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on December 20, 2005.

Jean Svoboda